Environmental Laboratory Advisory Committee (ELAC)
Final Meeting Minutes: September 9, 2004

Editorial Note: Information communicated in these minutes is not to be used as official New Jersey Department of Environmental Protection policy or as an official Department notification. Contact NJDEP officials directly for official information regarding matters communicated in these minutes.

Administrative Business

Chairperson Phil Worby (QC Labs) called the meeting to order at 9:36 AM. Mildred Reyes (Chemtech) made a motion to approve the August minutes with the requested corrections and Les Glessner (LSA) seconded the motion.

Subcommittee Reports

Laboratory Certification Program: Debra Waller (NJDEP-OQA) reported that the Annual Certified Parameter List's for NELAC labs will be sent out shortly. Ms. Waller stated that other states have communicated concerns about the column "eligible to report to New Jersey." Dave Speis (Accutest) asked if the ACPL's will be made available in a pdf version. Marty Hackman (NJDEP-OQA) states that a pdf version of the ACPL's will be made available on NJEMS.

Debra Waller reports that she and Bernie Wilk (NJDEP-OQA) will be visiting Delhi, India in October (for about 10 days) to advise the Delhi Water Board on water supply and analytical issues. Allen Dillon from Land Use Management will also be sent to India. This trip has been supported by ECOS (Environmental Council of States).

Stu Nagourney (NJDEP-OQA) states that a contractor (Enfotech) has been selected to develop the NJQL database. The first meeting will be on Monday and topics to be discussed will include database development, data deliverables, and rule making. The timeline for accepting data submissions is early 2005. Labs will provide MDL data. Mr. Nagourney requests that labs of different sizes volunteer for the beta test of this system. Discussions will be held between now and November. He requested that interested labs contact him or OQA. Dave Speis asked if ELAC will participate in NJQL rulemaking. Mr. Nagourney replied that the rulemaking text has been forwarded for attorney review and may be shared with ELAC. Deb Waller stated that there will be a comment period during the testing. Mr. Nagourney stated that the department will not dictate to the various programs how to use the NJQL's.

Stu Nagourney reported that the application deadline for certification of TRIAD parameters was August 1, 2004. Only two facilities submitted an application, S_2C_2 and Chemtech. After January 1, 2005 only certified laboratories can submit data under the Site Remediation program. Other labs can submit an application to be certified but the department will not guarantee their certification by January. Dave Speis indicated that NELAC has a Field Activities Committee and asked if TRIAD has given any consideration to this group. Stu Nagourney stated that he and Marlene Moore (Advanced System, Inc.) had discussions to have the field activities committee and OQA work together to develop consistency.

PT program: Debra Waller reported for Rachel Werner (NJDEP-OQA) that the next WW–PT study notice went out in July. Failure letters from the last study should be sent out by September 27, 2004. The study should ship in early December 2004. Only those firms that have paid in full will have samples sent. Payment for the SHW study is due on September 10th. Samples will ship in early November and suspensions will be issued for failures. The WS-PT study results from July 2004 will be sent to the office by next week. In November or December failure letters will be sent out. The January 2005 study notices will be sent out in October.

Ms. Waller states that the PT vendor contract's final version is in purchasing. Harvey Klein (GSL) asked if there would be legal action to bar APG from submitting a bid. Phil Worby (QC labs) stated that he sent a letter on behalf of ELAC to Rachel Werner (NJDEP-OQA) about the problems experienced with APG and that she will forward the letter to the Treasury after her review.

Sue Durke (The Washington Group) asked if there would be more than one reporting level provided during PT studies so the levels are more appropriate for each method. Dr. Mike Miller (NJDEP-OQA) stated that the topic of multilevel PTs was discussed at the August NELAC meeting. He acknowledged that the PT program needs multilevel PTs for at least some of the analytes such as metals and organics. He stated that Canada is in their second preliminary study with multilevel PTs. Dr. Miller stated that a new standard might need to be written in order to alter the PT program.

Dr. Miller stated that when reporting PT study results no concentrations should be reported below the PTRL. This information can be found in the footnotes of the study instructions. If you are requested to report <PTRL contact the contract vendor and if it is a non-contract vendor complain to the PT provider. Sue Durke states that the OQA letters are inconsistent on this point.

Dr. Mike Miller (NJDEP-OQA) reports that WS study changes are posted on the website. He stated that WP studies changes are ready to be posted and that SHW study changes are not ready yet. New WW compounds will be posted in October. The PT provider is given six months from the time of posting to provide those compounds.

Dr. Miller reported that the only organization that met the deadlines for the PT Oversight Board is A2LA. DLS missed the first deadline.

NELAC Update: Dr. Mike Miller (NJDEP-OQA) stated that EPA has supported NELAC but the Office of Research can no longer fund NELAC and it must be operated independently. EPA will submit a bid proposal for the operating costs of the administrative part of NELAP as early as September. INELA has passed a draft standard that needs to be submitted to NELAC.

INELA Update: Dave Speis (Accutest) discussed the NELAC/INELA relationship. Mr. Speis also reported that INELA passed the Consensus Standard by a wide margin at the INELA meeting held at the same time as the NELAC meeting. He reports that INELA follows ANSI voting procedures that require a majority vote and that each of the chapters will be voted on by the general membership prior to submission to EPA for adoption. An attempt was made to

address all negative comments. A Quality Systems Standard that has been developed will be put up for a vote. Mr. Speis suggested that someone from the department or from New Jersey participate.

Bioassay: Deb Waller reports that QC Laboratories will hold an open house on 9/23.

By-Laws: No report

Communications and OQA Website: No report

Old Business

Bureau of Safe Drinking Water/PWTA: Harvey Klein (GSL) reported that the PWTA July 29th bulletin announced that in the PWTA program a positive total coliform with a negative E. coli is not a primary health failure. Mr. Klein read an email he sent to Pat Bono (NJDEP-PWTA) and Barker Hamill (NJDEP-BSDW) expressing his concern and recommendation that a positive total coliform with a negative E. coli should be a primary health failure. The content of that email is attached to these minutes.

Site Remediation: Zvi Blank (Cali) expressed concern that the comment period for the new cleanup standards for site remediation is next week. He also expressed concern over the quality control requirements under the site remediation standards as related to the high ppm limits for some analytes. Greg Toffoli (NJDEP) indicated that the cleanup standards are coming from risk based standards and had been fast-tracked by the Commissioner. The numbers come from fixed based laboratory data and are not all carved in stone. Mr. Toffoli indicated that these numbers would likely change based on the NJQLs. Dave Speis (Accutest) stated that the quality control limits are liberal from an analytical standpoint. More information can be obtained on the Site Remediation Website.

New Business

SQAR: Tony Pilawski (NJDEP-BPR) reported that the current SQAR regulations expire in October 2005. A federal grant has been awarded to produce a sludge sampling and analytical guidance document. He described problems with the data currently being reported. Members of the public have expressed concern when reviewing reports where non-detects are reported above the required detection limits. Harvey Klein (GSL) stated that the reason Volatile Organic detection limits are elevated is because the methanol extraction elevates the detection limits of the test. Deb Waller (NJDEP-OQA) suggested that a sludge sample definition based on % total solids content be created to distinguish whether an aqueous or sludge method would be used. Mr. Pilawski requested comments from the laboratories that perform sludge testing to suggest changes to methodologies and to assist in establishing reporting limits.

Phil Worby (QC labs) suggested a committee be formed and Harvey Klein (GSL) volunteered to chair the committee. Labs interested in participating should contact Harvey Klein or Tony Pilawski.

Meeting Topics: Phil Worby encourages individuals with ideas for extra meeting topics to send him the information by email. He will try to make the arrangements.

There were not any other new issues. The meeting adjourned at 11:40 AM.

The next meeting is scheduled for 9:30AM on November 18, 2004 – 2th Floor Conference Room.

Note: All visitors must show one form of identification with a photo, or two non-photo IDs, when signing in at a DEP building. This will be performed at all DEP main lobbies in the Trenton complex (401, 501, 440 and 428).

All visitors should be prepared to verify their identification.

Attachment

To: Pat Bono, NJDEP Bureau of Safe Drinking Water PWTA Program
cc: Barker Hamill, NJDEP, Chief, Bureau of Safe Drinking Water
cc: NJ Health Officers Association

I was disturbed to read in the PWTA Lab Advisory Bulletin of 7/2904 where it stated that a positive total coliform result is not a failure (exceedance) unless the subsequent E. coli/fecal coliform test is also positive.

This is incorrect. A total coliform positive, E. coli/fecal coliform negative sample IS a failing sample. It is a health related issue and the water is NOT considered safe to drink. Secondary parameters are related to the appearance, taste or odor of the water and are not health related. Clearly coliform bacteria do not fall into that category.

There is no question that a total coliform positive, E. coli/fecal coliform POSITIVE sample is more of an acute health concern than a total coliform positive, E. coli/fecal coliform NEGATIVE sample. The presence of E. coli/fecal coliform indicates direct fecal contamination. A very dangerous condition.

As you noted all total coliform samples should be tested for E. coli or fecal coliform. As a certified lab, we are surprised and dismayed that some labs are not doing this. It should be routine for all drinking water samples.

But a total coliform positive, E. coli/fecal coliform negative sample IS still a primary health related failure. This indicates a condition in a water system which allows for enteric pathogens to survive, if present. It may also indicate a condition where surface water may be entering a well system, again allowing pathogens to enter a water system and survive. The whole concept of indicator organisms, of which the total coliform bacteria group is the leading example, is to provide a margin of safety. Since 1914 the presence of any coliform bacteria in a drinking water sample in the United States has been a health related issue. Although Federal and State public drinking water regulations do allow for a low percentage (usually less than 5%) of total coliform positives in public water systems before a

regulatory exceedance occurs this does not negate the fact that the individual samples are unsatisfactory and require immediate follow up.

Further, in the Private Well Testing Act we are not dealing with public water systems or multiple water samples. Since we only have a single sample the determination of whether that water sample "passes or fails" MUST be based on the presence or absence of total coliform bacteria. The presence or absence of E. coli/fecal coliform add important information about the contamination but is not the deciding factor as to "pass or fail"

When filling out the PWTA reporting forms all total coliform positive samples regardless of E.coli/fecal coliform status are primary failures. This is not an error. This is the way it should be.

The PWTA is, at its heart, an informational law. It is designed to provide the buyer and the seller with information about the condition of the well water. To not indicate to the involved parties that a total coliform positive is a health related issue would be a huge disservice.

Health Departments will not grant approvals or COs where issued when a well is total coliform positive. Health Departments should continue to be notified if a water sample is total coliform positive regardless of the E. coli/fecal coliform status.

Mortgage companies and banks will not grant loans when a well is total coliform positive.

Well owners are recommended to sanitize their well and water system with chlorine whenever a water sample is total coliform positive, regardless of the E. coli/fecal coliform status.

In the over 60 years my laboratory has been performing coliform analyses, a positive total coliform test has ALWAYS been a primary health related failure.
The bottom line is, when we are asked if a total coliform positive water sample is safe to drink, our answer is NO!

If you have any questions on the above topic feel free to call or email me.

Thank you for your time and attention in this important matter.

Harvey Klein, M.S.
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